

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONALD E. MITCHELL, JR.,

Plaintiff

Case No. 3:23-cv-00276-MMD-CSD

ORDER

v.

N. BREITENBACH, et al.,

Defendants

I. DISCUSSION

According to the Nevada Department of Corrections (“NDOC”) inmate database and mail returned as undeliverable, Plaintiff is no longer at the address listed with the Court. The Court notes that pursuant to Nevada Local Rule of Practice IA 3-1, a “pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of service on each opposing party or the party’s attorney. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.” Nev. Loc. R. IA 3-1. This Court grants Plaintiff until September 29, 2023, to file his updated address with this Court. If Plaintiff does not update the Court with his current address by that deadline, this case will be subject to dismissal without prejudice.

The Court will also grant Plaintiff an extension of time until September 29, 2023, to file a fully complete application to proceed *in forma pauperis* or pay the full \$402 filing fee for a civil action.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff will file his updated address with the Court **by September 29, 2023**.

IT IS THEREFORE ORDERED that Plaintiff has until **September 29, 2023**, to either pay the full \$402 filing fee or file a fully complete application to proceed *in forma*

1 *pauperis* with all three required documents: (1) a completed application with the inmate's
2 two signatures on page 3, (2) a completed financial certificate that is signed both by the
3 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account
4 statement for the previous six-month period.

5 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
6 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
7 to refile the case with the Court, under a new case number, when Plaintiff can file a
8 complete application to proceed *in forma pauperis* or pay the required filing fee and
9 update his address.

10 The Clerk of the Court is directed to send Plaintiff: (1) the approved form
11 application to proceed *in forma pauperis* for an inmate and instructions, and (2) a copy of
12 the June 21, 2023, order (ECF No. 3).

13 The Clerk of the Court is further directed to send a one-time courtesy copy of this
14 order and attachments to Plaintiff at Lovelock Correctional Center.

15 DATED: August 30, 2023.

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18 UNITED STATES MAGISTRATE JUDGE
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